



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,604	11/20/2000	Apurva M. Desai	A-68701/MAK/LM	1590

7590 05/05/2004

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Suite 3400
Four Embarcadero Center
San Francisco, CA 94111-4187

EXAMINER

KNAPP, JUSTIN R

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 05/05/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/716,604	DESAI ET AL. <i>[Signature]</i>
	Examiner	Art Unit
	Justin Knapp	2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 12-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner Notes

1. It is acknowledged that the following papers have been received: Extension of Time as received 04/05/04; Request for Continued Examination as received 04/05/04; and Pre Amendment B as received 04/05/04.
2. It is acknowledged that claims 1-11 have been canceled.
3. The Figure 1 objections have been withdrawn.

Claim Objections

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered new claims 10-21 at the end page 2 and continued on page 3 of the amendment have been renumbered 20-31 for this purposes of this office action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. New renumbered claim 28 is rejected under the second paragraph of 35 U.S.C. 112. It is unclear whether the claim is dependent on new claim 17 or new renumbered claim 27. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. New claims 12, 13, 23-26, and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Fry, et al (herein referred to as Fry), USPN 6,415,341.

9. Referring to new system claim 12 and it's corresponding method claim 31, Fry teaches a system comprising:

a register device for conducting a transaction (see figure 4, elements 12 and 14);

a first peripheral device configured to communicate information regarding the transaction according to a first protocol (see figure 4, element 32 communicates with first protocol, element 70);

a protocol converter coupled to the register device and the first peripheral device, the protocol converted configured to receive information from the first peripheral device according to the first protocol and communicate the information using TCP/IP (see figure 4, element 30 and column 5, lines 27-31); and

a transaction controller coupled to the protocol converter and the register device, the transaction controller operable to facilitate communication between the register device and the protocol converter (see figure 4, element 30). Element 30 of figure 4 is a protocol converter/print share device as labeled. The print share components are interpreted as the equivalent to a transaction

controller as they facilitate communication between the register device and the protocol converter. It is inherent that the components that make up the protocol converter and the components that make up the print share device are separable to two individual devices if desired.

10. Referring to new claim 13, Fry teaches wherein the register device is a point-of-sale (POS) terminal (see figure 4, elements 12 and 14).

11. Referring to new claim 23, Fry teaches a system that further comprises a second register device coupled to the protocol converter, the protocol converter further configured to communicate information received from the first peripheral device with the second register device (see figure 4, elements 12 and 14 are first and second register devices that communicate with first peripheral device, element 32).

12. Referring to new claim 24, Fry teaches a system further comprising a plurality of peripheral devices coupled to the protocol converter (see column 5, lines 34-39 and column 9, lines 5-10). The abstract also states “a device and method for adapting a computer terminal for connection to *at least one* external device communicatively couples an adapter to the computer terminal and to the *at least one* external device. This anticipates that a plurality of peripheral devices coupled to the protocol converter is supported by Fry.

13. Referring to new claim 25, Fry teaches wherein state information regarding the transaction is stored in the transaction controller and the register device (see column 6, lines 10-20).

Art Unit: 2182

14. Referring to new claim 26, Fry teaches wherein the register device, the transaction controller, and the protocol converter each comprise an Ethernet connection (see column 5, lines 27-31).
15. Referring to new claims 29 and 30, it is inherent that in a networked system utilizing Ethernet as taught by Fry, the register device and transaction controller being remotely located from the first peripheral device is supported.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
17. New claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry.
18. Referring to new claims 14-18, Fry teaches wherein the first peripheral device comprises a printer (see figure 4, element 32). Applicant's numerous definitions of a "first peripheral device" (claims 14-18) is construed to be an admission that the criticality does not reside in the type of "first peripheral device" utilized and hence obvious variants of one another.
19. Referring to new claims 19-22, Fry teaches wherein the first protocol comprises RS232 (see figure 4, element 70). Applicant's numerous definitions of a "first protocol" (claims 19-22) is construed to be an admission that the criticality does not reside in the type of "first peripheral device" utilized and hence obvious variants of one another.

Art Unit: 2182

20. New claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry in view of <http://www.sun.com/jini>. Fry does not explicitly teach wherein the transaction controller provides Jini services and the first peripheral device is registered with the Jini services. Fry does teach a system utilizing Ethernet as it's communications format. The Jini network technology teaches that any kind of network made up of services and clients of those services like the system of Fry can easily be assembled, disassembled, and maintained on the network using Jini Technology. One would have been motivated to implement Jini Technology as it provide many technological, operational, and competitive advantages when implemented (see <http://www.sun.com/jini>).

Response to Arguments

21. Applicant's arguments filed 04/05/04 have been fully considered but they are not persuasive.

22. On page 5 and continued on page 6 of the Remarks, Applicants argue in essence that: "Fry does not disclose or suggest a protocol converter that communicates information using TCP/IP and Examiner concedes that Fry does not suggest a protocol converter communicating using TCP/IP." However, in alternative embodiments, Fry does in fact teach a protocol converter that is operable to convert commands output to a communications format such as Ethernet or others formats well known in the art (see Fry, column 5, lines 23-34). It is well known in the art that TCP/IP is used in an Ethernet environment.

23. On page 6 of the Remarks, Applicants argue in essence that:

"Wagner fails to disclose or suggest limitations in Applicant's claims"

This argument is moot as the Wagner reference is not used in the rejection of new claims 12-31.

Art Unit: 2182

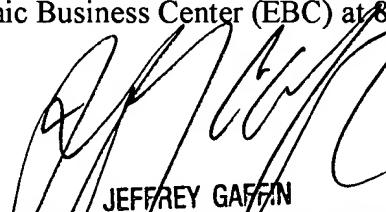
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Knapp whose telephone number is (703) 308-6132. The examiner can normally be reached on Mon - Fri 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 1, 2004


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Justin Knapp
Examiner
Art Unit 2182


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100